

STATEMENT OF CONGRESSWOMAN CAROLYN B. MALONEY

Committee on Government Reform
Full Committee Hearing

“The Importance of the Community Protection and Response Act of 2002”

July 11, 2002

New Yorkers know from September 11th that there are two major priorities for homeland security - not only preventing terrorism, but also responding to the impacts of terrorism should it occur.

Our focus has rightly been on working to prevent terrorism with this reorganization and that should be priority number one.

Still, even Homeland Security Director Ridge has said, and I quote, “It's not a question of if they will strike us again; I don't think it's a question of if, it's a question of when. We'll do our best to make us safer and more secure, but we will not design a fail-safe system. It cannot be done.”

In other words, we need to protect ourselves and work to prevent terrorism, but at the same time be prepared for the worst and ready to respond more effectively to major disasters of this magnitude.

We know from September 11th that there's a great deal of room for improvement in response and recovery operations.

While the hearts of Washington were 100% behind New York's recovery, the system was not adequately prepared to get the job done.

The series of complications and delays in federal relief efforts for New York City show a real need expanded authority and flexibility in disaster recovery operations.

My amendment squarely places response and recovery efforts under the direction of the Secretary of Homeland Security and gives him or her the authority to respond in extraordinary circumstances.

In his testimony last month to this Committee, Mr. Ridge clearly stated that the new Cabinet Member's “primary responsibility goes from prevention to response” and “Will have the ability and the responsibility to get it done a lot quicker”

Quite simply, Mr. Chairman, this is what my amendment does. It takes the lessons of 9/11, the research of GAO, CRS, and the New York Federal Reserve and provide the Secretary with, as Governor Ridge said “The ability and the responsibility to get it done a lot quicker”

This amendment is based on actions that the Congress generously made to the City of New York adds a few other valuable assistant tools, recognizes that if it was needed in one disaster that it quite possible it will be needed following a future threat to homeland security, and then gives the Secretary

and the Department the ability and responsibility to choose how to fully respond to a disaster as Governor Ridge said “a lot quicker”

It gives the Department the Authority to:

1. Reimburse school systems for lost instructional time, counseling, clean up. There is precedent for all of this, but it is fight that we are waging 10 months after the attack!
2. Provide grants to local governments that suffer substantial tax losses. This is similar to a function held by FEMA prior to 2000. It helps these cities and towns affected to rebuild.
3. Provides a variety of assistance to non-profit medical facilities. Hospitals had to wait for Congress to pass an \$140 million appropriation for this assistance after 9/11.
4. Establishes a coordinating office and a disaster recovery director. This assures efficient use of resources and provides the affected communities a single point of contact. The last thing we want to do is make those suffering from a disaster navigate through various bureaucracies.
5. Provides limited reimbursement for utility companies that experience damage to structure and property only after their private insurance runs out. This was done after 9/11 to protect New Yorkers from higher utility bills

The keys to success in emergency response are timeliness and precision in reacting to the unique and unpredictable needs of a disaster site, not bureaucratic indecision and one-size-fits-all solutions.

In the case of New York, Congress acted immediately by allocating a \$20 billion dollar appropriation for recovery needs, and the Bush administration made these funds available over time, but even with funds available, thousands of people and institutions in New York have not received the aid that they need because of bureaucratic roadblocks, red tape, and procedural nightmares.

When each of us thinks about our district, whether it's the people of New York or Indianapolis, Miami or L.A., Stamford or San Francisco, I think we can all agree that immediate aid, delivered to the right people in need, at the right time, is a top priority.

It's painful to think that thousands of people, in any of our districts, could once again be left without assistance because of outdated rules and inconsistent procedures.

Sadly, New York experienced a major disaster we can learn from, showing in some cases what works, and in many cases how not to respond.

I don't think it's alarmist to say that we absolutely need to expand the authority and flexibility available to the nation's disaster response leaders, given the regrettable chance of a nuclear or biological attack, and any number of other major disasters.

Just this week, the Washington Post reported that the EPA is simply not prepared to respond to a nuclear attack. Well, it's important that the EPA is speaking up about what limitations exist, but the

main point is, it's time for us to get prepared and to centralize who has the authority to coordinate preparedness.

We need to give the President and his officials in charge of homeland security the power to do things in a manner that's timely and responsive to the unpredictable needs of any disaster.

The amendment before us is based on thorough analysis in GAO and Congressional Research Service reports that map out the serious concerns that were evident in response efforts to New York.

Broadly speaking, FEMA has in too many circumstances failed to act or delayed in assisting people in New York because of perceived limitations in its authority, red tape, or the application of rigid and unnecessary standards and rules.

In disasters like 9/11, people are naturally going to need help right away, hospitals will need assistance, schools will need help, and local governments as well.

While revenue losses from 9/11 for the City of New York are about \$738 million, current rules allow only \$5 million dollar loans to municipalities for disaster related losses.

This is just one example of a rule created without the idea of a major terrorist attack in mind.

In addition, disaster response activities need to be coordinated by one agency and FEMA currently doesn't oversee the various agencies charged with various responsibilities. This has to change.

There's no oversight or monitoring of economic losses from disasters or federal outlays in disaster response activities. On each level, this amendment addresses these concerns, most broadly by giving the President the authority to declare a homeland security event and allowing greater authority and flexibility in responding to major disasters that threaten the nation's safety and security.

I respectfully ask my colleagues to take a serious look at the response challenges we witnessed after 9/11 and to support this important legislation.

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